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Microtech Systems Inc., Corwin Nichols,  
Cranel Inc., Discount Media Products LLC, and  
Master Recording Supply Inc.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

WORDTECH SYSTEMS, INC.,

Case No. 08-04027-MHP

Plaintiff,

vs.

**STIPULATION AND ~~PROPOSED~~  
ORDER RE DISCOVERY &  
SCHEDULING RE PATENT  
INVALIDITY /UNENFORCEABILITY  
\* AS AMENDED BY COURT**

MICROTECH SYSTEMS, INC., a California  
corporation, CORWIN NICHOLS, an  
individual, CRANEL, INC. dba CRANEL  
IMAGING, DISCOUNT MEDIA PRODUCTS  
LLC dba THE TAPE COMPANY LLC,  
MASTER RECORDING SUPPLY INC.  
and DOES I-50,

Judge: Hon. Marilyn H. Patel

Trial Date: None Set

Defendants.

AND RELATED CROSS-CLAIMS

Per the Court's February 9, 2009 Civil Minutes Order as modified by the Court's March  
12, 2009 Order, Plaintiff Wordtech Systems Inc. and Defendants and Cross-Claimants Microtech  
Systems Inc., Corwin Nichols, Cranel Inc., Discount Media Products LLC, and Master

Recording Supply Inc. (collectively, "Responding Defendants") hereby submit their proposed joint Discovery & Scheduling Order re the issues of the invalidity and/or unenforceability of plaintiff's United States letters patent Nos. 6,141,298, 6,532,198, 6,833,932 and 7,145,841 (the "Patents in Suit").

1. CLAIM CONSTRUCTION SCHEDULING.

A. Plaintiff's Disclosure of Asserted Claims and Infringement Contentions (PLR 3-1) to be completed by May 6, 2009;

B. Defendants' Invalidity Contentions (PLR 3-3) to be completed by June 22, 2009;

C. Defendant's Advice of Counsel Disclosures (PLR 3-7) to be completed by June 29, 2009;

D. Parties to exchange Proposed Terms for Construction (PLR 4-1) by July 9, 2009;

E. Parties to exchange Preliminary Claim Constructions (PLR 4-2) by July 29, 2009;

F. Joint Claim Construction and Prehearing Statement (PLR 4-3) to be filed by September 9, 2009;

G. Claim Construction Discovery to be completed by October 13, 2009 (PLR 4-4);

H. Plaintiff's Opening Claim Construction Brief (PLR 4-5(a)) to be filed by October 27, 2009.; Defendants' response shall be filed by November 10, 2009 (PLR 4-5(b)); Plaintiff's Reply shall be filed by November 17, 2009 (PLR 4-5(c));

I. Claim Construction hearing shall be conducted on or after ~~December 7, 2009~~, **December 10, 2009 at 9:00 am**, subject to Court availability.

2. DISCOVERY ON INVALIDITY AND UNENFORCEABILITY ISSUES.

A. Responding Defendants will propound/take the following discovery:

i. Written discovery to plaintiff, inventor(s) and various third-parties as follows:

- a. Interrogatories (1<sup>st</sup> set) by February 8, 2010;
  - b. Requests for Admissions (1<sup>st</sup> set) by February 8, 2010;
  - c. Document Inspection Demands (1<sup>st</sup> set) by February 8, 2010.
  - d. Subsequent sets of written discovery TBD.
- ii. Depositions of plaintiff, inventor(s) and various third-parties depending on the responses to written discovery as follows:

- a. July – October, 2010;
- B. Plaintiff will propound/take the following discovery:

- i. Written Discovery as follows:
  - a. Document Production (1<sup>st</sup> set) by February 8, 2010;
  - b. Interrogatories (1<sup>st</sup> set) by February 8, 2010;
  - c. Requests for Admissions (1<sup>st</sup> set) by February 8, 2010;
  - d. Subsequent sets of written discovery, TBD.
- ii. Depositions of Mr. Corwin Nichols; PMQ Employee(s) of Discount Media Products; PMQ Employee(s) of Master Recording Supply; PMQ Employee(s) of Cranel, Inc.; Other third parties, TBD subject to further discovery.
  - a. July - October, 2010.

3. MOTIONS.

Responding Defendants' motion for summary judgment or summary adjudication and/or for a declaratory judgment that the Patents in Suit are invalid and/or unenforceable as follows:

- A. Hearing Date: March 14, 2011; @ **2:00 p.m.**
- B. Responding Defendants' Opening Brief due February 10, 2011;
- C. Plaintiff's Opposition Brief due February 24, 2011;

1 D. Responding Defendants' Reply Brief due February 31, 2011.

2 4. SETTLEMENT AND ADR.

3 Parties will inform the Court Clerk and ADR Dept. after the invalidity/unenforceability  
4 phase of discovery is concluded and will conduct mediation with Atty. Lane prior to filing  
5 Defendant's subject motion.  
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8 Dated: March 23, 2009  
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11 By: s/Christian J. Martinez/s  
12 CHRISTIAN J. MARTINEZ  
13 Attorney for Plaintiff Wordtech Systems Inc.  
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15 Dated: March 23, 2009

HORNSTEIN LAW OFFICES, Prof. Corp.

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18 s/Val D. Hornstein/s  
19 By: VAL D. HORNSTEIN  
20 Attorneys for Defendants and  
21 counterclaimants Microtech Systems Inc., Corwin  
22 Nichols, Cranel Inc., Discount Media Products  
23 LLC, and Master Recording Supply Inc.  
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